

Sec. 5505.16. (A) A member of the state highway patrol retirement system who has been in the service of the state highway patrol for a period of twenty years as an employee according to the rules adopted by the state highway patrol retirement board, may make application for a deferred pension which shall not be payable until the member attains the age of fifty-two years. Any member who attains the age of fifty-five years and has been in the service of the patrol for a period of twenty years as ~~an employee~~ A UNIFORMED PATROL OFFICER according to the rules adopted by the board, must file application for retirement with the board, and if he refuses or neglects to do so such board may deem his application to have been filed on his fifty-fifth birthday. Such member may, upon written application, approved by the superintendent of the state highway patrol, be continued in service after attaining the age of fifty-five years, only until such time as such member has accumulated twenty years of service.

(B) A member's total service credit may include periods not to exceed a total of seven years, while his employment with the state highway patrol is or was interrupted due to service rendered by him in the armed forces of the United States except such members who enlist, volunteer or seek active military status during peace-time periods, however, no member shall lose any military service credit by virtue of his having enlisted to satisfy his military service obligation under the "Selective Service Act." Such military service shall be credited to him towards total service as provided by Chapter 5505. of the Revised Code and to the extent approved by the board, provided that:

(1) He is or was honorably discharged from such armed service;

(2) He is or was re-employed by the state highway patrol within ninety days immediately following termination of such armed service;

(3) He pays into the retirement system to his credit in the employees' savings fund an amount equal to the total contributions he would have paid had his state highway patrol employment not been so interrupted. Such repayment shall begin within ninety days after his return to duty with the state highway patrol and must be completed within a period of time equal to that of the inclusive dates of his military service.

A member of the state highway patrol retirement system is ineligible to purchase service credit under this section for any year of military service used in the calculation of any retirement benefit currently being paid or payable in the future under any other retirement program except social security. At the time the credit is purchased the member shall certify on a form furnished by the retirement board that he does and will conform to this requirement. Any benefit paid under this section to which the member is not entitled shall be recovered by any recovery procedures available under this chapter.

Effective Nov. 13, 1979